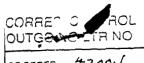
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February 9, 1995

95-RF-01623

Margaret A Witherill Environmental Restoration Division DOE, RFFO

TRANSMITTAL OF RCRA REGULATORY ANALYSIS FOR CONSOLIDATION OF EAST LANDFILL POND SEDIMENTS - LJP-005-95

Action Forward analysis to the Colorado Department of Public Health and Environment (CDPHE) and the Environmental Protection Agency (EPA) for review and approval

The RCRA regulatory analysis is attached This will allow the consolidation of the East landfill pond sediments with the present landfill prior to closure. This analysis was an action resulting from a December 4, 1994, meeting with CDPHE and EPA

Thank you for your cooperation, and if you have any questions regarding this transmittal, please contact me at extension 8553 or Linda Guinn at extension 8559

Peterson-Wright

Operable Unit 7 Project Manager OU 5, 6, & 7 Closures

LJP cb

Orig and 1 cc - M A Witherill

Attachment As Stated

Attachment 1 95-RF-01623 Page 1 of 3

RCRA REGULATORY ANALYSIS

SUMMARY

Under RCRA, corrective action is required at Operable Unit 7 landfill as part of the post-closure permit requirement. The corrective action provisions require cleanup of releases (pond sediments) from the solid waste management unit (Present Landfill). Placing the pond sediments in the landfill will not trigger LDRs, does not add new waste to the landfill, and does not make the landfill a new hazardous waste unit.

Facts

- The Operable Unit (OU) 7 landfill received Resource Conservation and Recovery Act (RCRA) hazardous waste after 1980
- 2 Disposal of hazardous waste in the OU 7 landfill continued until 1986
- The OU 7 landfill was listed in the 1987 Part B permit as "planned to be closed under interim status"
- 4 The landfill was listed in the Interagency Agreement as a RCRA closure OU
- 5 The East landfill pond was constructed to receive leachate from the landfill
- The East landfill pond continues to receive leachate and run off from the landfill
- 7 All contaminants of concern in the East landfill pond came from the landfill

RCRA Analysis Assumptions

1 A post-closure permit will be required for the OU 7 landfill and corrective action is required to be addressed

Rationale §270 1(c) Owners or operators of landfills that received wastes after July 26, 1982, or that certified closure (according to §265 115) after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal as provided under §270 1(c)(5) and (6) If a post-closure permit is required, the permit must address applicable Part 264 Groundwater Monitoring, Unsaturated Zone Monitoring, Corrective Action, and Post-closure Care Requirements of this chapter (emphasis added)

The corrective action provisions require cleanup of releases of hazardous waste or hazardous waste constituents from a solid waste management unit to the environment

Rationale §3004(u) of RCRA a permit issued after November 8, 1984 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment storage, or disposal facility seeking a permit under this subchapter, regardless of the time at which waste was placed in such unit

Placing the sediments from the pond in the landfill is not adding new waste to the landfill. It is merely returning the released waste to its original source and capping in place to prevent future migration.

Rationale

- a) The hazardous constituents in the sediments came from leachate from the landfill. Therefore, all the hazardous constituents are "releases" form the wastes.
- b) Sediments from the pond are not wastes, but contaminated environmental media
- 4 Placing the sediments in the landfill would not make the landfill a new hazardous waste unit

Rationale It could be argued that the pond is part of the landfill because a) it is immediately adjacent to the landfill, and b) it was built to collect the landfill leachate and run-off (i.e. it is the landfill's run-off collection system). If the pond is part of the landfill, then movement of the sediments is merely consolidation of constituents within the same unit. Such consolidation under a closure plan would be permissible because it was part of the closure action.

Alternative Rationale a) The landfill is already a hazardous waste management unit (See facts #1 and #2) b) A hazardous waste landfill may take hazardous waste until it is closed c) The landfill is under a order of consent to close so actions taken to meet closure, including corrective action, are legally mandated as part of the final closure (this avoids the problem that this is potentially an unpermitted landfill - it is regulated under the consent order) d) Consolidating the waste back in the landfill

(and under the cap) fulfills the requirements of corrective action to be protective of human health and the environment, and e) The corrective action is to return the released waste constituents to the original source and would be part of the final closure

5 "Placing" the sediments back in the landfill will not be in violation of LDR

Rationale The sediments are not waste, but environmental media contaminated with hazardous waste constituents. Therefore, it would not violate LDR, because LDR applies only to "wastes". Even if it did apply, the concentration are so low, that LDR treatment standards would not be violated.

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